

In re Appln. Of NAVE DO et al.
Application No. 10/751,800

REMARKS

Reconsideration of the application is respectfully requested. An Office action dated June 30, 2005 is presently pending in the application. Claims 1, 3, 7, 14 and 16 were amended, Claims have been added 21-23 and Claims 2, 11, and 15 were cancelled; therefore, Claims 1, 3-10, 12-14, and 16-23 are pending in the application.

The Objections to the Claims

Claims 1-20 were objected to because both Claims 1 and 14 recite the limitation "the insulated container" in Line 3, and there is no antecedent basis for this phrase. Amendments have been made to the claims so that proper antecedent basis is provided. Therefore, Applicants submit that the objections should be withdrawn.

The § 103 Rejections of the Claims

Claims 1-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,325,137 to Elliot in view of U.S. Patent Number 6,378,313 to Barrish. Claim 20 was rejected under § 103(a) as being unpatentable over *Elliot* in view of *Barrish* and further in view of U.S. Patent Number 6,401,483 to Kopp. These rejections are respectfully traversed.

The independent claims of the application have been amended so that each independent claim is directed to an air conditioning system having, *inter alia*, a heat pipe that extends into a container and includes a heat sink attached at another end. A fan is mounted to direct air over the heat sink.

The combined references do not make these independent claims obvious. *Elliot* is directed to a portable liquid cooling and heating apparatus and includes a pump for pumping water through a heat exchanger up to a cap 30. The Office action takes the position that heat pipes are well known as taught by *Barrish*, and it would be obvious to replace a heat pipe of

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Barrish (taught as used with a vending machine) with the pump system of *Elliot*. Applicants respectfully disagree.

Nothing in *Elliot* suggests the use of any other structure other than the pump and heat exchanger. A heat pipe would not be an obvious replacement of the pump and heat exchanger system. The pumping system of *Elliot* does not work in a similar way to, and does not make obvious the use of, a heat pipe. The pump system pumps cold water through a heat exchanger to the cap 30. A fan then blows over this cold water at a header of the heat exchanger. Thus, the cooling medium (i.e., the chilled water) is actually being pumped to the cap 30 of the device in *Elliot*. In contrast, in using a heat pipe, the cooling medium (i.e., water) does not travel up to the top or cap of the cooling device. Instead, heat is transferred between the cooling medium and the top. For at least this reason, swapping the pump system of *Elliot* with a heat pipe would not be obvious.

Moreover, nothing in the cited references suggests replacing the pump and heat exchanger of *Elliot* with a heat pipe. Elliott does not discuss different methods, and the claims of that patent are directed specifically to use of "pump means," which indicates that even the applicants for that patent did not think of the pump being replaced with something else. *Barrish* is directed to a vending machine, and is not directed to an air conditioning system such as is set forth in the independent claims of the application. A person of ordinary skill in forming an air conditioning system would not look to the technology of a vending machine to modify an air conditioning device. Thus, *Barrish* is nonanalogous art for a rejection of the claims of this application.

For at least the foregoing reasons, the rejection of the claims should be withdrawn.

The dependent claims further define the invention over the prior art. As an example, Claims 4, 13, and 17 are directed to the container being an insulated cooler, which is more narrow than just the container of the independent claims. Coolers are well known, and would not

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include the structure shown in *Elliott*. Nothing in *Elliot* or the cited references suggests making an air conditioning system out of a cooler. Instead, *Elliot* is directed to an apparatus having a housing 12 that is shaped like a cylinder, and is not a conventional insulated cooler.

As another example, new dependent Claims 21-23 are directed to the insulated cooler being either a beverage cooler or a water cooler. Again, these features are not shown or made obvious by the prior art.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1, 3-10, 12-14, and 16-23 define patentable subject matter, and that the application is in good and proper condition for allowance. Such action is respectfully solicited.

For the sake of clarity, the independent claims and some of the dependent claims of the application are discussed in this Amendment. Applicants submit that the independent claims are allowable, and therefore the remaining dependent claims are allowable at least because they are dependent upon allowed claims. Nevertheless, Applicants submit that the remaining dependent claims further define subject matter not shown or made obvious by the prior art.

If the foregoing does not result in a Notice of Allowance in the application, Applicants earnestly solicit the Examiner to call the undersigned at 206-521-5984.

Respectfully submitted,



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